

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

DUSTIN BRYCE ROSONDICH and)
XYLIE ESHLEMAN,)
Plaintiffs,)
VS.) No. 15-1120-JDT-egb
MADISON COUNTY, ET AL.,)
Defendants.)

ORDER DENYING OBJECTION,
ADOPTING REPORT AND RECOMMENDATION TO DISMISS,
CERTIFYING AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH
AND DENYING LEAVE TO APPEAL *IN FORMA PAUPERIS*

On May 13, 2015, the *pro se* Plaintiffs, Dustin Bryce Rosondich and Xylie Eshleman, filed a civil complaint, accompanied by motions to proceed *in forma pauperis*. (ECF Nos. 1, 2 & 3.) United States Magistrate Judge Edward G. Bryant granted leave to proceed *in forma pauperis* on July 7, 2016. (ECF No. 11). On July 11, 2016, Magistrate Judge Bryant issued a Report and Recommendation (“R&R”) in which he recommended the Court dismiss the case *sua sponte*. (ECF No. 12.) Plaintiffs filed a timely objection on July 25, 2016. (ECF No. 13.)

The complaint is ninety-two pages long (ECF No. 1 at 1-92) and is accompanied by a thirty-eight-page document designated “1983 Madison County et al. law of the case” (*id.* at 93-130). Sixty-one pages of exhibits were docketed as an attachment to the complaint itself (ECF Nos. 1-1 to 1-6), and an additional ninety-two pages of exhibits were docketed separately (ECF Nos. 6 to 6-9). Plaintiffs have sued Madison County, Tennessee, the Madison County Jail, the Madison County Circuit and Chancery Courts, the Madison County Court Clerk, the Jackson City Court, various

court employees, judges and district attorneys, and numerous law enforcement officers. The factual allegations consist of over two hundred paragraphs, and the forty-five separate causes of action are repetitive and overlapping. Magistrate Judge Bryant concluded that this prolix and confusing complaint does not comply with Rule 8 of the Federal Rules of Civil Procedure.

In their objection, Plaintiffs complain that the Magistrate Judge issued almost identical R&Rs in their pending cases and made an inadvertent “cut and paste” error in another of the cases.¹ It is stated, “[t]he magistrates [sic] order to dismiss did not provide one statement not consistent with dishonor and was actually vague and frivolous.” (ECF No. 13 at 1.) Plaintiffs then state they are “giving notice of dishonor and dishonoring the honorable magistrate’s presentment order to dismiss” and that he is “dishonoring any rule against me.” (*Id.*)

After reviewing the complaint, the Court finds that nothing in Plaintiffs’ objection warrants rejecting Magistrate Judge Bryant’s conclusion. Accordingly, Plaintiffs’ objection is DENIED. The Court ADOPTS the R&R and DISMISSES this case pursuant to for failure to comply with Rule 8.

Pursuant to 28 U.S.C. § 1915(a)(3) and Federal Rule of Appellate Procedure 24(a), the Court CERTIFIES that an appeal by Plaintiffs would not be taken in good faith and DENIES leave to appeal *in forma pauperis*. Accordingly, if Plaintiffs file a notice of appeal, they must also pay the entire \$505 appellate filing fee or file motions to proceed *in forma pauperis* and supporting affidavit in the Sixth Circuit Court of Appeals.

The Clerk is directed to prepare a judgment.

IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

¹ The R&R in this case contains no such errors.